

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VIA LICENSING CORPORATION,
Plaintiff,
v.
HAIER AMERICA TRADING LLC,
Defendant.

Case No. 17-cv-03485-RS (TSH)

**ORDER SETTING FURTHER
SETTLEMENT CONFERENCE AND
ORDER TO SHOW CAUSE**

On October 5, 2018, Judge Seeborg referred this case to a Magistrate Judge for the purpose of conducting a settlement conference. ECF No. 86. On October 12, 2018, the undersigned conducted a pre-settlement conference telephone call with the parties, and a settlement conference was subsequently scheduled for today.

ADR Local Rule 7-3(a) provides that a business entity satisfies the attendance requirement at a settlement conference if it is “represented by a person (other than outside counsel) who has final authority to settle and who is knowledgeable about the facts of the case.” The undersigned’s Settlement Conference Standing Order states that as well.

At the settlement conference today, Via Licensing Corporation (“Via”) was represented by Garrard R. Beeney, Daniel A. Loevinsohn and Laura Kabler Oswell from Sullivan & Cromwell LLP, and Nicholas Dudziak, Senior Director at Via. Haier America Trading LLC (“Haier”) was represented by Bryan G. Harrison of Locke Lord LLP and Justin Park, General Manager of Haier.

The settlement conference was unsuccessful because the individuals present for Haier did not have authority to settle. That authority is held by individuals in China, who could not be reached by phone or email given the time difference. This is a violation of ADR Local Rule 7-3(a) and the Court’s standing order. This violation caused Via to needlessly spend money on attorneys’ fees and travel and other expenses to attend a settlement conference that did not have


1 the prospect of being successful. And it was a waste of the Court's time.

2 Accordingly, **IT IS ORDERED** that a further settlement conference is scheduled for
3 November 20, 2018 at 1:00pm in Courtroom A on the 15th floor. The Court **ORDERS** Haier to
4 bring all individuals necessary for it to have authority to settle, including flying them from China
5 if needed. They must be present personally.

6 The Court also **ORDERS** Haier to **SHOW CAUSE** why it should not be ordered to pay
7 for Via's fees and expenses incurred in connection with attending today's settlement conference.
8 Haier's response to this OSC is due November 16, 2018. Via's response is due November 20,
9 2018, and it should include one or more declarations documenting the fees and expenses at issue.
10 Haier's optional reply is due November 23, 2018.

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12 **IT IS SO ORDERED.**

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14 Dated: November 14, 2018

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17 THOMAS S. HIXSON
18 United States Magistrate Judge
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